

defense to an abuse of discretion lawsuit by the three tribes.” Skibine further disagreed with Sibbison’s view of the significance of this opposition:

I also sense that even if the Town of Hudson [sic] and the Town of Troy embrace the proposal, we may still not change our position because of political opposition on the Hill, largely generated by the Minnesota and Wisconsin Tribes who oppose this acquisition. My vote is to leave it in.

In his e-mail, Skibine also continued to press his viewpoint that Section 20 would be an inappropriate basis upon which to deny the application, by alluding again to Hartman’s draft conclusion that the application caused “no detriment to surrounding communities.”

Tom Hartman of my staff also prepared a memo regarding the section 20 “not detrimental” analysis. Unfortunately, I have been unable to finish the review because of computer difficulties. Our tentative conclusion is that the record permits us to make a finding that a gaming establishment at that location will not be detrimental to the surrounding community. We have not finalized the document, and I have bnot [sic] yet determined whether it should be signed or simply stay in draft form. Please obtain a copy of the draft document from Tom.

On Wednesday, July 5, at 12:20 p.m., Troy Woodward sent an e-mail to Hartman requesting an electronic copy of Hartman’s analysis by 1:30 p.m. Woodward requested the document in anticipation of a meeting later that day with Duffy and others to discuss the basis for the Department’s planned denial of the application. At 12:55 p.m., Hartman sent a reply e-mail attaching “the DRAFT review.” Hartman added that “George plans some revisions to the opening paragraphs.”

The memo Hartman sent to Woodward reached the same conclusion as his June 8 memorandum – *i.e.*, that the proposal would not be detrimental to the surrounding community – but differed from the prior memo in a few respects. First, he now addressed the memo to the Assistant Secretary - Indian Affairs, through the Deputy Commissioner of Indian Affairs, from the Director of IGMS. Second, he added reference to materials that had been recently received,